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In re Application of
FOCKE, Heinz et al.
Application No.: 10/521,000
PCT No.: PCT/EP03/08029
Int. Filing Date: 23 July 2003
Priority Date: 31 July 2002
Attorney's Docket No.: 20605.018US
For: FOLDING PACKET

DECISION ON

REQUEST

UNDER 37 CFR 1.42

This is a decision on "Renewed Submission Under 37 CFR 1.42," filed in the United States Patent and Trademark Office on 28 October 2005 and a supplemental submission on 03 November 2005.

BACKGROUND

On 07 January 2005, applicants filed international application PCT/EP03/08029, which claimed a priority date of 31 July 2002. A copy of the international application was transmitted to the Office by the International Bureau on 12 February 2004. The deadline for entry into the national stage in the United States was 31 January 2005.

On 07 January 2005, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 June 2005, the Office mailed Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) was required.

On 05 July 2005, applicants submitted a declaration executed by two inventors and two heirs of deceased inventor Focke.

On 28 July 2005, the Office mailed Decision On Request Under 37 CFR 1.42, refusing applicants' request.

On 28 October 2005, applicants submitted a renewed request under 37 CFR 1.42 and the fee for a one month extension of time.

On 03 November 2005, applicants submitted a second copy of the declaration of the inventors. This copy is fully legible.

DISCUSSION

Under 35 U.S.C. §117, legal representatives of deceased inventors may make application for patent upon compliance with the requirements and on the same terms and conditions applicable to the inventor.

The "legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent." 37 CFR 1.42.

The 03 November 2005 declaration complies with 37 CFR 1.497(a)-(b) and 37 CFR 1.42. The declaration lists the inventors and their citizenships and the legal representatives and the legal representatives' citizenships, residences and postal addresses. See 37 CFR 1.497.

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **GRANTED**.

The application has a date of 03 November 2005 under 35 U.S.C. §371(c)(1), (c)(2) and (c)(4). This application is being forwarded to the National Stage Processing Division of the Office of the PCT Operations for continued processing.



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